

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. 8:23-cv-00467-MWF-AJR

Date: February 12, 2024

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Title: Maykel J. Castilla Sanchez v. OCSD Personnel, et al.

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DOCKET ENTRY: **ORDER TO SHOW CAUSE RE FAILURE TO FILE  
SECOND AMENDED COMPLAINT AND WHY THIS  
ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE**

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PRESENT:

**HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE**

Claudia Garcia-Marquez  
Deputy Clerk

None  
Court Reporter/Recorder

None  
Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS)**

On December 4, 2023, Plaintiff Maykel J. Castilla Sanchez (“Plaintiff”), a pretrial detainee formerly confined at the Orange County Jail and proceeding *pro se*, filed a First Amended Complaint pursuant to 42 U.S.C. § 1983. (Dkt. 16.) On December 27, 2023, the Court issued an order dismissing the First Amended Complaint with leave to amend (“December Order”). (Dkt. 17.) In the December Order, Plaintiff was directed to file a Second Amended Complaint that attempts to remedy the identified defects or otherwise, voluntarily dismiss the action or certain defendants by filing a Notice of Dismissal under Federal Rule of Civil Procedure 41(a)(1) by January 26, 2024. (*Id.*) On January 2, 2024, the Court issued a separate order pertaining to a letter from Plaintiff (“January Order”). (Dkt. 19.) In the January Order, among other things, Plaintiff was advised to review the Court’s December Order and reminded once again that the Second Amended Complaint was due by January 26, 2024. (*Id.*)

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As of today, Plaintiff has not filed an amended complaint, a Notice of Dismissal, or requested an extension of time in which to do so. **As the Court previously advised Plaintiff, failure to file a Second Amended Complaint may result in a recommendation that this action be dismissed with prejudice for failure to prosecute and/or obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).** Plaintiff is ordered to show cause by **March 5, 2024** why this action should not be dismissed with prejudice for failure to prosecute and/or obey Court orders. Plaintiff may satisfy this Order by filing a declaration signed under penalty of perjury stating why this action should not be dismissed or by filing a Second Amended Complaint that attempts to remedy the defects identified in the Court's December Order.

If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).